

November 5, 2010

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JEET RADIA, P.E., CIH  
SENIOR VICE PRESIDENT  
ENVIRONMENT, SAFETY & HR



**Re: Consent Decree under Civil Action No. [CV] 10-JEO-1902-S**

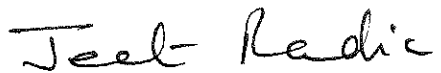
This letter is to notify you of a violation of the following requirement of the abovementioned Consent Decree:

Appendix 3, Section III, Paragraph 2: "At least thirty (30) days prior to the proposed Stack Test date, Clow shall submit for approval to EPA Region 5 an "Intent to Test" notice ("Notice"), pursuant to Section XIV (Notices) of the Consent Decree, and shall also provide simultaneous notice to Kimbra Reinbold, Division of Air Pollution Control, Southeast District Office Ohio Environmental Protection Agency, 2195 Front Street, Logan, Ohio 43138....."

The Stack Test is scheduled for November 18, 2010 – one day prior to the November 19, 2010 deadline under the Consent Decree. The Intent to Test notice was submitted to EPA Region 5 and Ohio EPA on October 27, 2010 which is 7 days past the due date of October 20, 2010. The reason for the missed deadline is that there was some confusion between the Clow Water environmental staff and the stack test contractor as to who was supposed to submit the Intent to Test to EPA Region 5 and Ohio EPA. To avoid any such delays in the future, we are now entering all our Consent Decree obligations into Dakota Tracer which is an electronic tool that will send out e-mail reminders to persons responsible for each obligation and track the timely completion of all Consent Decree obligations.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Jeet Radia". The signature is written in a cursive, flowing style.

Jeet Radia

Senior Vice President  
Environment, Safety & HR

cc: Jeff Otterstedt  
Heather Klesch  
Jim Proctor  
Warren Hamel